

AN ACT concerning safety.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Smoke Detector Act is amended by changing Sections 3 and 4 as follows:

(425 ILCS 60/3) (from Ch. 127 1/2, par. 803)

Sec. 3. (a) Every dwelling unit or hotel shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.

(b) Every single family residence shall have at least one approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level.

(c) Every structure which (1) contains more than one dwelling unit, or (2) contains at least one dwelling unit and

is a mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located between 4 and 6 inches from the ceiling.

(d) It shall be the responsibility of the owner of a structure to supply and install all required detectors. The owner shall be responsible for making reasonable efforts to test and maintain detectors in common stairwells and hallways. It shall be the responsibility of a tenant to test and to provide general maintenance for the detectors within the tenant's dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies which the tenant cannot correct. The owner shall be responsible for providing one tenant per dwelling unit with written information regarding detector testing and maintenance.

The tenant shall be responsible for replacement of any required batteries in the smoke detectors in the tenant's dwelling unit, except that the owner shall ensure that such batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the smoke detector which have been reported in writing to the owner or the authorized agent of the owner.

(e) The requirements of this Section shall apply to any dwelling unit in existence on July 1, 1988, beginning on that date. Except as provided in subsections (f) and (g), the smoke detectors required in such dwelling units may be either: battery powered provided the battery is a self-contained, non-removable, long term battery, or wired into the structure's AC power line, and need not be interconnected.

(1) The battery requirements of this Section shall apply to battery powered smoke detectors that: (A) are in existence and exceed 10 years from the date of their being manufactured; (B) fails to respond to operability tests or otherwise malfunctions; or (C) are newly installed.

(2) The battery requirements of this Section do not apply to: (A) a fire alarm, smoke detector, smoke alarm, or ancillary component that is electronically connected as a part of a centrally monitored or supervised alarm system; (B) a fire alarm, smoke detector, smoke alarm, or ancillary component that uses: (i) a low-power radio frequency wireless communication signal, or (ii) Wi-Fi or other wireless Local Area Networking capability to send and receive notifications to and from the Internet, such as early low battery warnings before the device reaches a critical low power level; or (C) such other devices as the State Fire Marshal shall designate through its regulatory process.

(f) In the case of any dwelling unit that is newly

constructed, reconstructed, or substantially remodelled after December 31, 1987, the requirements of this Section shall apply beginning on the first day of occupancy of the dwelling unit after such construction, reconstruction or substantial remodelling. The smoke detectors required in such dwelling unit shall be permanently wired into the structure's AC power line, and if more than one detector is required to be installed within the dwelling unit, the detectors shall be wired so that the actuation of one detector will actuate all the detectors in the dwelling unit.

In the case of any dwelling unit that is newly constructed, reconstructed, or substantially remodeled on or after January 1, 2011, smoke detectors permanently wired into the structure's AC power line must also maintain an alternative back-up power source, which may be either a battery or batteries or an emergency generator.

(g) Every hotel shall be equipped with operational portable smoke-detecting alarm devices for the deaf and hearing impaired of audible and visual design, available for units of occupancy.

Specialized smoke-detectors for the deaf and hearing impaired shall be available upon request by guests in such hotels at a rate of at least one such smoke detector per 75 occupancy units or portions thereof, not to exceed 5 such smoke detectors per hotel. Incorporation or connection into an existing interior alarm system, so as to be capable of being activated by the system, may be utilized in lieu of the

portable alarms.

Operators of any hotel shall post conspicuously at the main desk a permanent notice, in letters at least 3 inches in height, stating that smoke detector alarm devices for the deaf and hearing impaired are available. The proprietor may require a refundable deposit for a portable smoke detector not to exceed the cost of the detector.

(g-5) A hotel, as defined in this Act, shall be responsible for installing and maintaining smoke detecting equipment.

(h) Compliance with an applicable federal, State or local law or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be in compliance with this Section, and the requirements of such more stringent law shall govern over the requirements of this Section.

(i) The requirements of this Section shall not apply to dwelling units and hotels within municipalities with a population over 1,000,000 inhabitants.

(Source: P.A. 96-1292, eff. 1-1-11; 97-447, eff. 1-1-12.)

(425 ILCS 60/4) (from Ch. 127 1/2, par. 804)

Sec. 4. (a) Except as provided in subsection (c), willful
~~Willful~~ failure to install or maintain in operating condition any smoke detector required by this Act shall be a Class B

misdemeanor.

(b) Except as provided in subsection (c), tampering
~~Tampering~~ with, removing, destroying, disconnecting or removing the batteries from any installed smoke detector, except in the course of inspection, maintenance or replacement of the detector, shall be a Class A misdemeanor in the case of a first conviction, and a Class 4 felony in the case of a second or subsequent conviction.

(c) A party in violation of the battery requirements of subsection (e) of Section 3 of this Act shall be provided with 90 day's warning with which to rectify that violation. If that party fails to rectify the violation within that 90 day period, he or she may be assessed a fine of up to \$100, and may be fined \$100 every 30 days thereafter until either the violation is rectified or the cumulative amount of fines assessed reaches \$1,500. The provisions of subsection (a) and (b) of this Section shall apply only after the penalty provided under this subsection (c) has been exhausted to the extent that a violating party has reached the \$1,500 cumulative fine threshold and has failed to rectify the violation.

If the alleged violation has been corrected prior to or on the date of the hearing scheduled to adjudicate the alleged violation, then the violation shall be dismissed

(Source: P.A. 85-143.)

Section 99. Effective date. This Act takes effect January 1, 2023.